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General Assembly

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Sixty-fifth session

Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Investigation into the wars that have broken out since the establishment of the United Nations

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Investigation into the wars that have broken out since the establishment of the United Nations".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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Annex I

[Original: Arabic]

Explanatory memorandum

In its Preamble, the Charter of the United Nations identifies the motivations and reasons for the establishment of the Organization. According to the International Court of Justice, those motivations and reasons should inform interpretation of all the provisions in the Charter.

The Preamble provides that saving succeeding generations from the scourge of war is a primary goal of the peoples of the United Nations. It prohibits the use of armed force or military measures, save in the common interest of those peoples, other than joint military action planned with the assistance of the Military Staff Committee referred to in the Charter.

Nevertheless, since the establishment of the United Nations more than half a century ago, millions of children, women and men have been victims of atrocities resulting from the use of force, crimes of genocide, illegal intervention and more than 60 wars on different continents, including the wars in Grenada, Korea, Panama, Somalia, Suez, Viet Nam and the former Yugoslavia, as well as the current war in Iraq in its various aspects and the war in Afghanistan.

The peoples of the United Nations have not achieved their desired goals because certain States that were granted permanent membership of the Security Council have ignored their obligations under the Charter to contribute to the maintenance of international peace and security in the common interest of all Member States of the United Nations and to refrain from taking any action that threatens or violates the peace, or constitutes an act of aggression or intervention in matters which are essentially within the domestic jurisdiction of any State.

Such acts are a flagrant violation of the Charter of the United Nations and a threat to the peace, security and prosperity of the peoples of the United Nations and its smaller Member States. Those who perpetrate such acts should be prosecuted and punished, and should no longer be allowed to enjoy impunity for their actions, in accordance with the Charter, justice and the rule of law.

The foregoing demonstrates the need, for the sake of present and future generations, to ensure accountability for past actions through a collective effort under the aegis of the United Nations, and, in particular, the General Assembly, which is the Organization's chief representative, deliberative and policymaking organ and the forum in which all international issues are considered.

The attached draft resolution is intended to ensure that the General Assembly shoulders its responsibility by condemning the wars that broke out since the founding of the United Nations. Such wars are contrary to the motivations and reasons for the founding of the United Nations, as specified in the Preamble to the Charter, and to the purposes and principles of the Organization, and constitute use of force contrary to the common interest of the Member States. The draft resolution considers that failure to prevent or investigate wars that have broken out since the founding of the United Nations is inconsistent with the responsibilities of the United Nations and a threat to international peace and security. The draft resolution requests the General Assembly to consider establishing at its sixty-sixth session an

effective international mechanism in order to investigate the causes and background of wars that have broken out since the founding of the United Nations and ensure that their perpetrators do not go unpunished. It also requests the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the present resolution.

Annex II

[Original: Arabic]

Draft resolution

Investigation into the wars that have broken out since the establishment of the United Nations

The General Assembly,

Recognizing the importance of the motivations and reasons set forth in the Preamble to the Charter of the United Nations for the establishment of the Organization, and recalling the ruling by the International Court of Justice emphasizing that the Charter should be interpreted within the framework prescribed by the Preamble,

Noting that, under the Preamble of the Charter of the United Nations, saving succeeding generations from the scourge of war is a primary goal of the peoples of the United Nations, and that armed force or military measures shall not be used to achieve that goal, save in the common interest of those peoples and only through joint military action planned with the assistance of the Military Staff Committee referred to in the Charter,

Bearing in mind that, since the founding of the United Nations more than half a century ago, millions of children, women and men have been victims of atrocities committed by use of force, crimes of genocide, illegal intervention and more than 60 wars on different continents, including the wars in Grenada, Korea, Panama, Somalia, Suez, Viet Nam and the former Yugoslavia, as well as the war in Iraq in its various aspects and the war in Afghanistan,

Reaffirming the obligation of the Member States of the Security Council, and, in particular, that of the Council's permanent Members, to contribute to the maintenance of international peace and security, as well as the Organization's other purposes, and to refrain from taking any action that threatens or undermines the peace, or constitutes an act of aggression or intervention in matters which are essentially within the domestic jurisdiction of any State and that are unrelated to the common interest of all Member States,

Recognizing that acts of aggression, wars and intervention in the internal affairs of other States are a threat to the peace, security and prosperity of the peoples of the United Nations and a flagrant violation of the Charter, and that those who perpetrate such acts should be prosecuted and punished, and should not be allowed to avoid punishment and enjoy impunity for their actions,

Determined, for the sake of present and future generations, to ensure accountability for past actions so that such acts are not repeated,

1. *Considers* that the wars that have broken out since the founding of the United Nations are contrary to the motivations and reasons for the establishment of the United Nations, as set forth in the Preamble of the Charter, and to the purposes and principles of the United Nations;

2. *Condemns* all manifestations of the use of force against the common interest of the peoples of the world and Member States;

3. *Considers* that the failure to prevent or investigate wars that have broken out since the establishment of the United Nations, such as the wars in Afghanistan, Korea, Somalia, Suez, Viet Nam, the former Yugoslavia, as well as the war in Iraq in its various aspects and the invasions of Grenada and Panama, is inconsistent with the responsibilities of the United Nations and posed a serious threat to international peace and security;

4. *Decides* to consider at its sixty-sixth session the establishment of an effective international mechanism to investigate the causes and background of wars that have broken out since the establishment of the United Nations and ensure that their perpetrators do not go unpunished;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.